

ESTTA Tracking number: **ESTTA141233**

Filing date: **05/17/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	The Children's Place Services Company, LLC
Granted to Date of previous extension	05/20/2007
Address	915 Secaucus Road Secaucus, NJ 07094 UNITED STATES

Attorney information	Tamar Niv Bessinger Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES tbessinger@frosszelnick.com Phone:212-813-5900
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### Applicant Information

Application No	78771218	Publication date	11/21/2006
Opposition Filing Date	05/17/2007	Opposition Period Ends	05/20/2007
Applicant	Pintchik, Laura 168 East 91st Street New York, NY 10128 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 1994/02/22 First Use In Commerce: 1997/08/01  
All goods and services in the class are opposed, namely: RETAIL STORE SERVICES

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1020742	Application Date	06/26/1974
Registration Date	09/16/1975	Foreign Priority Date	NONE
Word Mark	THE CHILDREN'S PLACE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 042. First use: First Use: 1969/02/01 First Use In Commerce: 1970/08/01 RETAIL STORE SERVICES SPECIALIZING IN CHILDREN'S CLOTHING, [ MATERNITY CLOTHING, ] CHILDREN'S [ FURNITURE, ] TOYS AND ACCESSORIES		
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U.S. Registration No.	1137068	Application Date	11/06/1978
Registration Date	06/17/1980	Foreign Priority Date	NONE
Word Mark	THE CHILDREN'S PLACE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1969/02/01 First Use In Commerce: 1970/08/01 RETAIL STORE SERVICES SPECIALIZING IN CHILDREN'S CLOTHING		

U.S. Registration No.	2165998	Application Date	08/14/1997
Registration Date	06/16/1998	Foreign Priority Date	NONE
Word Mark	THE CHILDREN'S PLACE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/01/01 First Use In Commerce: 1992/01/01 children's pants, trousers, jeans, slacks, jumpsuits, shorts, shirts, sweaters, sweatshirts, sweat shorts, vests, jackets, blazers, T-shirts, overalls, swimsuits, hats, socks, underwear, scarves, gloves and footwear		

U.S. Registration No.	2165577	Application Date	04/03/1997
Registration Date	06/16/1998	Foreign Priority Date	NONE
Word Mark	THE CHILDREN'S PLACE OUTLET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1996/10/01 First Use In Commerce: 1997/03/01 retail store services featuring children's clothing, shoes, purses, toys, belts, jewelry, stationary, hats, furniture, musical products, videotapes and scarfs		

U.S. Registration No.	1020741	Application Date	06/26/1974
Registration Date	09/16/1975	Foreign Priority Date	NONE
Word Mark	THE CHILDREN'S PLACE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1969/02/01 First Use In Commerce: 1970/08/01		

	RETAIL STORE SERVICES SPECIALIZING IN CHILDREN'S CLOTHING, [ MATERNITY CLOTHING, CHILDREN'S FURNITURE, ] TOYS AND ACCESSORIES
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Attachments	73192163#TMSN.gif ( 1 page )( bytes ) 75342700#TMSN.gif ( 1 page )( bytes ) 75268941#TMSN.gif ( 1 page )( bytes ) 73025296#TMSN.gif ( 1 page )( bytes ) Notice of Opposition - Children's Place v. Laura Pintchik (F0056679).PDF ( 4 pages )(101763 bytes )
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Signature	/Tamar Niv Bessinger/
Name	Tamar Niv Bessinger
Date	05/17/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Opposer's Ref: CPRS 0610895

In the Matter of Application Serial No. 78/771,218

Mark: THE CHILDREN'S GENERAL STORE & Design

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THE CHILDREN'S PLACE SERVICES COMPANY, :  
LLC, :  
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Opposer, :  
 :  
- against - :  
 :  
Laura Pintchik :  
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Applicant. :  
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**NOTICE OF OPPOSITION**

Opposer, The Children's Place Services Company, LLC, a Delaware Limited Liability Company located and doing business at 915 Secaucus Road, Secaucus, New Jersey ("Opposer"), believes that it would be damaged by the issuance of a registration for the trademark THE CHILDREN'S GENERAL STORE & Design as applied for in Application Serial No. 78/771,218 by Laura Pintchik, with an address of 168 East 91st Street, New York, NY 10128 ("Applicant"), and therefore opposes the same. As grounds for its opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Since at least as early as 1970, and prior to any date upon which Applicant can rely, Opposer, through its predecessors and licensees, has used the mark THE

CHILDREN'S PLACE in connection with retail sales of children's clothing, various items of children's clothing and accessories, and as its trade name in the United States, and is continuing to do so. Opposer has invested a substantial amount of time, effort and money in promoting Opposer's THE CHILDREN'S PLACE trademark and trade name. As a result, Opposer's THE CHILDREN'S PLACE trademark and trade name has become distinctive of Opposer's goods and services and has come to represent enormous goodwill for Opposer.

2. Opposer owns the following incontestable U.S. registrations for its THE CHILDREN'S PLACE mark:

- Reg. No. 1,020,742, issued September 16, 1975 and renewed September 16, 2005 for THE CHILDREN'S PLACE for "retail store services specializing in children's clothing, children's toys and accessories" in International Class 42, based on first use in commerce since August 1, 1970;
- Reg. No. 1,137,068, issued June 17, 1980 and renewed on June 17, 2000 for THE CHILDREN'S PLACE (Stylized) for "retail store services specializing in children's clothing" in International Class 35, based on first use in commerce since August 1, 1970;
- Reg. No. 2,165,998, issued June 16, 1998 for the mark THE CHILDREN'S PLACE (Stylized) for "children's pants, trousers, jeans, slacks, jumpsuits, shorts, shirts, sweaters, sweatshirts, sweat shorts, vests, jackets, blazers, t-shirts, overalls, swimsuits, hats, socks, underwear, scarves, gloves and footwear" in International Class 25, based on first use in commerce since January 1, 1992;
- Reg. No. 2,165,577, issued June 16, 1998 for THE CHILDREN'S PLACE OUTLET (Stylized) for "retail store services featuring children's clothing, shoes, purses, toys, belts, jewelry, stationary, hats, furniture, musical products, videotapes and scarfs" in International Class 35, based on first use in commerce since March 1, 1997; and
- Reg. No. 1,020,741, issued September 16, 1975 and renewed September 16, 2005 for THE CHILDREN'S PLACE & Design for "retail store services specializing in children's clothing, children's toys and accessories" in International Class 42, based on first use in commerce since August 1, 1970.

Opposer's registrations are valid, subsisting, and in full force and effect. As such, these registrations serve as evidence of Opposer's exclusive rights to use the mark THE CHILDREN'S PLACE.

3. On December 12, 2005, Applicant filed the application at issue to register the mark THE CHILDREN'S GENERAL STORE & Design for "retail store services" in International Class 35.

4. The mark that Applicant seeks to register is similar in sound, meaning and commercial impression to Opposer's THE CHILDREN'S PLACE trademark and trade name, and is used on goods and services identical to those for which Opposer uses its THE CHILDREN'S PLACE trademark and trade name, retail store services. Upon information and belief, Applicant uses the mark in connection with retail sales of children's toys, and also intends to use its mark in connection with children's clothing. Applicant has in fact filed an intent-to-use application for the same mark, Serial No.78/771,178 for various items of clothing in Class 25 and online retail store services for clothing in Class 35.

5. Based on the similarity of the marks, the identity of the goods and services, and the identity of target consumers (children and their parents), the public is likely to associate the goods sold/services offered by Applicant under the mark THE CHILDREN'S GENERAL STORE & Design with Opposer or with Opposer's goods and services, or to believe that Applicant's goods and services are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

6. For the above reasons, any use of the mark THE CHILDREN'S GENERAL STORE & Design by Applicant is likely to cause confusion, cause mistake or deceive the

public, and cause the public to believe that the goods and services sold under THE CHILDREN'S GENERAL STORE & Design mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

7. By reason of the foregoing, Opposer will be damaged by the registration of the mark THE CHILDREN'S GENERAL STORE & Design to Applicant.

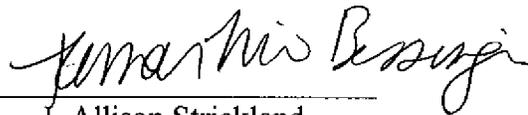
WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 78/771,218 be denied.

It is requested that Opposer's attorneys' Deposit Account No. 23-0825 be charged with the Opposition fee in the amount of \$300.00 for one class.

Dated: New York, New York  
May 17, 2007

Respectfully submitted,

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By:   
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J. Allison Strickland  
Tamar Niv Bessinger  
Attorneys for Opposer  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900